

REMARKS

Claims 33-35, as herein amended, are pending. Claims 1, 3, 5-11, 13, 14, and 16-32 have been withdrawn from consideration without prejudice or disclaimer in response to the restriction requirement. Claims 2, 4, 12 and 15 have been cancelled without prejudice or disclaimer. Applicant wishes to retain his rejoinder rights to all claims capable of rejoinder, and elect to defer making any required amendments until such time as the pending claims are acknowledged to be patentable.

Applicant traverses this ground of rejection on two grounds. First, the Action does not establish or provide any support for the statement that Applicant's claims satisfy any of the criteria listed on pp. 4-5 of the Action. Second, the assertions in the Action that there would be an undue burden on the Office in searching all of the claims pending at the time of this Action is unsupported by the classification determinations contained in the Action. All of the claims are categorized by the Action itself as falling within class 435, subclass 91; that claims grouped in Group IB may contain unspecified subject matter falling in subclass 91.1 rather than 91.2 is not compelling evidence of an undue burden.

Applicant also traverses on the grounds that prosecution of the claims pending at the time the current Action was issued was sufficiently advanced that imposing a restriction requirement would be contrary to the goal of both Applicant and the Office to promote efficient and expeditious examination. Applicant respectfully contends that while there may be instances where amendments or the course of prosecution mandate restriction (instead of an election of species, for example) to expedite prosecution, this is not one of them.

Applicant respectfully requests that the Office reconsider the restriction requirement and address on their merits Applicant's arguments submitted in response to the last issued Office Action.

CONCLUSION

Applicant believes that the claims are in condition for immediate allowance, and request that the pending claims be passed to issue.

If Examiner Lu believes it to be helpful, he is invited to contact the undersigned representative by telephone at (312) 913-0001.

Respectfully submitted,

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